

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LAURENCE R. WAGNER,

Plaintiff,

v.

**PETE GEREN, Secretary of the
Department of Army,**

Defendant.

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CASE NO. 8:08CV208

ORDER

This matter is before the Court on its own motion. Plaintiff filed a Motion to Extend Deadline (Filing No. 50), requesting an extension of time, from May 13, 2009, until July 20, 2009, to respond to Defendant's Motion to Dismiss and Motion for Summary Judgment (Filing No. 46). Plaintiff's motion indicates that Defendant has agreed to an extension until June 10, 2009, but has not agreed to Plaintiff's requested deadline of July 20, 2009.

The time for Defendant to respond to Plaintiff's Motion to Extend Deadline expires on May 18, 2009, five days after the current date for Plaintiff to respond to Defendant's Motion to Dismiss and Motion for Summary Judgment.¹ Given the parties' inability to agree on a new deadline in this matter, the Court finds that it is in the interest of justice to expedite the time for Defendant to respond to Plaintiff's motion.

IT IS ORDERED:

1. Defendant shall respond to Plaintiff's Motion to Extend Deadline (Filing No. 50), should he choose to submit any such response, on or before May 8, 2009; and

¹These deadlines take into account the three-day mailing rule still utilized by the Court despite the use of electronic filing.

2. Plaintiff shall file a reply, if any, on or before May 11, 2009.

DATED this 5th day of May, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge